



INDOOR
TANNING
ASSOCIATION

Promoting Responsible Sun Care and Sun Burn Prevention.

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**Statement of the Karen Bentlage, Future Industries, Milford, Connecticut
On behalf of the Indoor Tanning Association
Before the Committee on Public Health
Senate Bill 54
March 7, 2012**

Sen. Gerratana, Rep. Ritter and members of the committee:

The Indoor Tanning Association is a trade organization representing manufacturers and suppliers of indoor tanning equipment as well as indoor sun tanning salons nationwide. We appreciate the opportunity to offer comments in regard to Senate Bill 54, *An Act Concerning the Use of Indoor Tanning Devices by Persons Under Eighteen Years of Age*.

As drafted, the bill would prohibit minors from using indoor suntanning facilities in the state of Connecticut.

Indoor suntanning salons provide a legal and regulated service that is desired by consumers in Connecticut and elsewhere. We have a presence in Connecticut that should be noted: 460 sun tanning salons in Connecticut employ approximately 1,680 people. Two companies manufacture the lamps used in sunbeds worldwide: Light Sources, which employs approximately 400 people in Orange area and Future Industries, a major national distributor air brush tanning and indoor sun tanning products, employs 40 people at its Milford facility.

These statistics don't mean much if the sun tanning process isn't handled in a way that ensures our customers are not over-exposed or burned. Our member salons work with customers day-in and day-out to ensure that their services are done responsibly and in moderation. The "Smart Tan Educational Program" is an industry model for providing detailed information to our customers.

ITA worked closely with your committee in the 2006 session to develop legislation that implemented a parental consent law for individuals under 16 years of age who wish to sun tan. This legislation (PA 06-195) was enacted and our member salons have implemented it effectively. We mention this simply to reiterate that ITA has a track record of working with you, not against you, on key public health issues relating to indoor tanning. We stand ready to do so again this session with regard to SB 54.

We believe indoor sun tanning can be done responsibly and that it is inappropriate for minors to be prohibited from doing so. This decision should be made by the parent and guardian in

discussions with the minor. When the parent and teen come into salons in Connecticut, the parent is educated about the risks and the trained staff recommends an exposure time designed to avoid over exposure or sunburn. We also would caution on the issue of unintended consequences: a ban could simply push teenagers to tan outdoors in an unsupervised and reckless manner. There is a very simple solution that doesn't require the state to get involved. The parent can say NO at anytime.

A number of our member facilities already go well beyond the 2006 law and require parental consent for *all* minors. ITA can support legislation (as we have in past sessions) that amends the current Connecticut law to do just that.

Finally, we would note that the federal Food and Drug Administration is currently conducting a comprehensive review of sunlamp products and sunbeds including "possible risks" from UV *radiation* (can we change radiation to "exposure"). The FDA is required to base their decisions, including possible age restrictions, on sound science and facts. We would request that you defer action on banning minors from indoor sun tanning salons until the FDA completes their work in this regard.

Again, responsible, controlled indoor sun tanning is our primary goal with our customers. If you have any questions or need additional information on the indoor sun tanning sector, please contact Linda Kowalski, *The Kowalski Group, LLC*, our government relations representative in Connecticut. Thank you.

The Kowalski Group, L.L.C.

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Government Relations

March 8, 2012

MEMORANDUM

TO: Public Health Committee

FR: The Kowalski Group, LLC

RE: Addendum to testimony of Indoor Tanning Association—SB 54

During last evening's hearing on SB 54, several witnesses stated that the "U.S. Congress" and/or a "congressional committee" have issued a report critical of the tanning industry. This is not true—no such report has been issued either by the full Congress or any committee therein.

One member, U.S. Rep. Henry Waxman, did undertake an "investigation" of tanning salons through a series of anonymous telephone calls that were designed to elicit erroneous information from salons about the safety of tanning. The defects of this action are discussed in the attached report by the Safe Tan Educational Network. But the fact remains that this was an action by an individual Member of Congress. No official report by the U.S. Congress or by the House Energy and Commerce Committee has been issued on this matter.

I am submitting this on behalf of my client, the Indoor Tanning Association. It also elaborates on comments about the defects of the Waxman "investigation" that were offered to the committee by David Boomer of my staff.



SMART TAN

EDUCATIONAL INSTITUTE

WAXMAN RESEARCHERS BADGERED CALLERS, MANIPULATED FINDINGS

A New Jersey tanning business owner reported in July 2011 that an undercover investigator who phoned her salon alleging to be a 16-year-old prospective customer badgered her into attempting to make false statements about tanning — a charge that now appears to be leveled at an investigative report issued Feb. 1, 2012 by four U.S. Congress members and which could make the report's findings fraudulent.

Smart Tan member Courtney Gilmartin, owner of International Tan in Point Pleasant, NJ, took a call July 21, 2011 from a woman who alleged she was 16, was new to the area and wanted to tan even though her parents would not allow it. Gilmartin knew the call was bogus and that it originated from a Washington, D.C., phone number and reported the suspicious call to Smart Tan, which ran a story on SmartTan.com July 29, 2011.

Here is that story in the SmartTan.com archive.

After the story ran, Smart Tan members nationwide reported receiving suspicious calls from the same Washington, D.C., phone number. Reports to Smart Tan indicated the callers did not follow a set script, asked completely different questions to different salons and typically re-directed questions attempting to get positive answers — charges that, if connected to the report issued by four Democratic members of the U.S. House of Representatives Energy and Commerce Committee this week, could constitute academic fraud.

The report issued Tuesday alleged that indoor tanning facility operators mislead clients about the risks and benefits of UV exposure and indoor tanning — calling for regulators to enact an under-18 ban on indoor tanning. Smart Tan reported Wednesday that the report itself contained factually inaccurate information. [Here is the link to that story.](#)

To produce the report, congressional staff made phone calls to 300 tanning salons nationwide alleging on the phone that they were 16-year-old women who wanted to tan. Callers did not actually visit a tanning salon. The sample group was not random, nor did the survey appear to follow any uniform script, which is standard practice for such a survey. **(See standards for this type of market research as published by the Marketing Research Association:).**

Based on the reports to Smart Tan in July 2011 it is clear no script was followed and appears that investigators randomly re-directed questions to mine for positive answers, which would be fraudulent.

"I knew from her voice she was not 16," Gilmartin told Smart Tan in July. "But I let her go on." Gilmartin read her the New Jersey regulations, which require a tanner aged 14-18 to bring a parent to the salon with them prior to tanning. "She was definitely trying to get me to say something," Gilmartin said.

Despite clearly being told she couldn't tan without a parent's permission, the caller kept restructuring the question to try to get Gilmartin to re-phrase her answer. "She went on to say, ok, I have really fair skin, so am I still allowed to go tanning?" Gilmartin said in the July interview. "I said I'd have to see you in person. That we'd need to learn your skin type and see if you are skin type I."

That's when Gilmartin knew she was definitely being toyed with. "And then after that she said, 'I have acne and would tanning help. It was just so by book. No 16-year-old would ask questions that way.'" So Gilmartin decided to end the charade. "I asked her, 'So you're 16. What's your date of birth?' It was silent for a second and she fumbled around and I heard someone in the background, and then she hung up. I could tell she was in her 20s."

Gilmartin called the 202-area-code number back. A man answered and alleged he was a New Jersey-based cleaning business. When pressed for details about the call she received, the man hung up.

Smart Tan believes the survey questions as asked to Gilmartin and others completely destroy the credibility of the Report issued Tuesday. "It does not appear the bogus caller followed a standard script — which would be key to uniformity in this kind of study and is standard procedure in collecting survey data," Smart Tan Vice President Joseph Levy said. "Because it appears this survey was not done not in a random fashion, but as a fishing expedition designed to support an agenda, the data collected from this project should be dismissed and those involved could actually be liable for legal or other disciplinary action."